

**REMARKS/ARGUMENTS**

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The non-elected claims have been cancelled without prejudice.

Submitted herewith is a Declaration which should be substituted for that filed previously.

The attached moots the Examiner's objection to the original Declaration.

Claims 16, 3, 7-13, 17, 18, 28, 4-6, 29 and 31-40 stand provisionally rejected as representing obviousness-type double patenting over claims of Application No. 09/960,717.

Merely to advance prosecution, submitted herewith is a Terminal Disclaimer and the required fee.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100



**RULE 83 (37 C.F.R. 1.83)**  
**INVENTOR'S DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMMUNOGEN**

the specification of which (check applicable box(es)):

☐ is attached hereto  
☒ was filed on **September 17, 2003** as U.S. Application Serial No. **10/554,029** (Atty. Dkt. No. 1579-804)  
☐ was filed as PCT International application No. \_\_\_\_\_ on \_\_\_\_\_  
 and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/385 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
--------------------	---------	----------------------


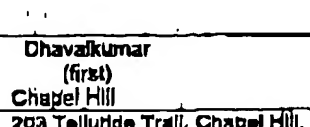
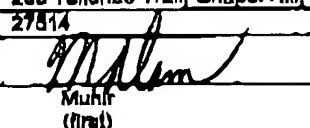
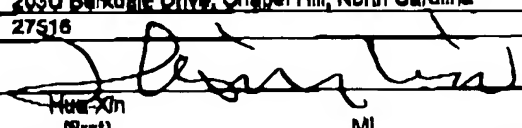
I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed
60/234,327	22 September 2000
60/285,173	23 April 2001
60/323,897	21 September 2001
60/323,702	21 September 2001

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):	Day/Month/Year Filed	Status: patented pending, abandoned Pending
Application Serial No. <b>09/880,717</b>	<b>24 September 2001</b>	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to: **NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 818-4860.**

1.	Inventor's Signature: Inventor:		Date: <b>3/24/05</b>
	Residence: (city) Mailing Address: (Zip Code)	<b>Barton</b> <b>Durham</b> <b>3923 Wentworth Street, Durham, North Carolina</b> <b>27707</b>	<b>HAYNES</b> <b>(last)</b> <b>North Carolina</b> <b>U.S.A.</b> <b>(citizenship)</b>
2.	Inventor's Signature: Inventor:		Date: _____
	Residence: (city) Mailing Address: (Zip Code)	<b>Dhaval Kumar</b> <b>Chapel Hill</b> <b>203 Telluride Trail, Chapel Hill, North Carolina</b> <b>27514</b>	<b>D.</b> <b>MI</b> <b>(state/country)</b> <b>North Carolina</b> <b>U.S.A.</b> <b>(citizenship)</b>
3.	Inventor's Signature: Inventor:		Date: <b>3/24/05</b>
	Residence: (city) Mailing Address: (Zip Code)	<b>Muhit</b> <b>Chapel Hill</b> <b>200 Berkdale Drive, Chapel Hill, North Carolina</b> <b>27516</b>	<b>ALAM</b> <b>(last)</b> <b>North Carolina</b> <b>U.S.A.</b> <b>(citizenship)</b>
4.	Inventor's Signature: Inventor:		Date: <b>3/24/05</b>
	Residence: (city) Mailing Address: (Zip Code)	<b>Hui-Xin</b> <b>Chapel Hill</b> <b>200 Pebble Springs Road, Chapel Hill, North Carolina</b> <b>27514</b>	<b>LIAO</b> <b>(last)</b> <b>North Carolina</b> <b>Chinese</b> <b>(citizenship)</b>

**BEST AVAILABLE COPY**

1570-804

Nixon & Vanderhye P.C. (10/99)  
(Domestic Assigned) Page 1

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTOR'S DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IMMUNOGEN

the specification of which (check applicable box(es)):

☐ is attached hereto  
☒ was filed on September 17, 2003 as U.S. Application Serial No. 10/664,029 (Atty. Dkt. No. 1570-804)  
☐ was filed as PCT International application No. on  
 and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any (foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):	Country	Day/Month/Year Filed
----------------------------------	---------	----------------------

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed
60/234,327	22 September 2000
60/285,173	23 April 2001
60/323,897	21 September 2001
60/323,702	21 September 2001

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):	Day/Month/Year Filed	Status: patented pending, abandoned Pending
Application Serial No. 09/960,717	24 September 2001	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to: NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 818-4000.

1.	Inventor's Signature: Inventor: Barton (first)	F. MI	HAYNES (last)	Date: _____ U.S.A. (citizenship)
	Residence: (city) Durham	(state/country) North Carolina		
	Mailing Address: 3923 Wentworth Street, Durham, North Carolina			
	(Zip Code) 27707			
2.	Inventor's Signature: Inventor: Dhaval Kumar (first)	D. MI	PATEL (last)	Date: 4/5/05 U.S.A. (citizenship)
	Residence: (city) Chapel Hill	(state/country) North Carolina		
	Mailing Address: 203 Tallurda Trail, Chapel Hill, North Carolina			
	(Zip Code) 27514			
3.	Inventor's Signature: Inventor: Munir (first)	MI	ALAM (last)	Date: _____ U.S.A. (citizenship)
	Residence: (city) Chapel Hill	(state/country) North Carolina		
	Mailing Address: 203U Barkdale Drive, Chapel Hill, North Carolina			
	(Zip Code) 27516			
4.	Inventor's Signature: Inventor: Hua-Xin (first)	MI	LIAO (last)	Date: _____ Chinese (citizenship)
	Residence: (city) Chapel Hill	(state/country) North Carolina		
	Mailing Address: 200 Pebble Springs Road, Chapel Hill, North Carolina			
	(Zip Code) 27514			

BEST AVAILABLE COPY

938828